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The political and institutional development of the Brussels Metropolitan Zone: observations and prospects

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*Le développement politique et institutionnel de la Zone métropolitaine de
Bruxelles : constats et perspectives*

*De politieke en institutionele ontwikkeling van het Brussels Stadsgewest:
bevindingen en perspectieven*

**Caroline Van Wynsberghe, Johanne Poirier, Dave Sinardet and Francois
Tulkens**

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The political and institutional development of the Brussels Metropolitan Zone: observations and prospects

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I. Observations

1. *The borders of Brussels' metropolitan area*

It is commonly recognised that the institutional boundaries of Brussels do not correspond to its socio-economic borders. Economic and geographical studies have demonstrated this time and again. For example, the Brussels agglomeration has been said to cover 31 communes (Dujardin et al, 2007), or even 62 ¹ (Luyten & Van Hecke, 2007: 26), including the 19 already part of the Brussels-Capital Region (BCR). The figures obviously vary depending on the criteria used. For the business world as well, the Region's economic hinterland stretches far beyond its political borders. The recently published *Business Route 2018 for Metropolitan Brussels* thus considers that metropolitan Brussels corresponds to the territory of the 19 Brussels communes with the addition of the communes in Brabant-Wallon together with those of the arrondissement of Hal-Vilvoorde (Province of Vlaams Brabant). We do not intend to enter into this discussion on the number of communes involved, which is a matter for political decisions, in other words one that transcends the purely economic, geographical or even legal issues at stake.

2. *Management and financing of the Brussels Metropolitan Zone* ²

The consensus on the fact that the socio-economic borders of Brussels exceed its institutional borders breaks down however when it comes to management of this territory and its resources. Policy platforms in view of the regional elections will likely

¹ Thus the case of a city region (*région urbaine/stadsgewest*), i.e. the agglomeration (36 communes) and the Brussels suburbs (Luyten & Van Hecke, 2007: 3).

² This article discusses only the functional and institutional aspects in management of the Brussels Metropolitan Zone. For aspects linked to social justice, see the CFB topic "Social inequalities and social integration in Brussels"; Loopmans *et al.*, 2009.

present a broad range of solutions, all with the objective of metropolitan level coordination of public policies, but varying as to the types of instruments required.

Although the question of managing Greater Brussels is as old as Belgium itself (De Groof, 2008), the need to ponder the development of Brussels in a metropolitan context now stems, among other things, from the additional cost combined with revenue lost due to the large number of workers in Brussels who do not live in the BCR. According to a 2003 update of a FUSL study, this could amount to some EUR 490 million per year (Cattoir *et al.*, 1999 – updated by Van der Stichele, 2003 ; Lambert *et al.*, 2002: 410-415 ; see Cattoir *et al.*, 2009). The need for discussion also arises in the light of dismal experiences with environmental nuisances (such as the Drogenbos incinerator, or flights over Brussels). In addition to coordination and harmonisation, a metropolitan organisation would also provide for financial participation by the majority of those using the public services proposed. It would also avoid a duplication of services (the most glaring example is certainly that of public transit where three regional companies serve the capital, but this may also be the case for tourism in Brussels which is presently split into separate entities) and achieve economies of scale (Lefèvre, 1998: 10-11).

3. *The Brussels Metropolitan Zone and its economic performance*

Furthermore, beyond the simple community of interests, this metropolitan coordination, whatever its form, would establish Brussels as a pole of development and would help boost its economic performance (see Vandermotten *et al.*, 2009).

Before discussing the formalisation of agreements between political entities, we would first like to take the opportunity to highlight the recent initiative by entrepreneurs of the *Brussels Metropolitan Region* who have joined forces, with the support of the BECI (*Brussels Enterprises Commerce and Industry*), UWE (Union Wallonne des Entreprises), Voka (*Vlaams Netwerk van Ondernemingen*) and FEB (*Fédération des Entreprises de Belgique*), in the project called *Business Route 2018 for Metropolitan Brussels*. The business world has thus formed a community of interests that transcends regional and linguistic divides in order to demonstrate that political and institutional measures are not the only road to economic development in Brussels. In Lille, an industrial executive, Bruno Bonduelle, also took the lead in his city's development and managed to mobilise all stakeholders (enterprises, civil society, politics,...) around his project. It must be admitted, however, that despite the presence of the Prime Minister and the Ministers-president when *Business Route* was launched, political parties are lagging behind in this area. Few electoral platforms develop this form of cooperation.

II. Questions-issues

Even if concerns for more efficient management of urban and economic affairs points towards an "Urban Community" or "Metropolitan Zone", the concept raises a number of questions. In addition to political feasibility, other questions relate to status, functions, relevant players, competences, powers, financing and governance.

1. *What exactly are we talking about?*

Metropolitan areas can be defined as "*urban regions that develop along functional networks, cutting across the boundaries of existing local, regional and sometimes even national governments* » (Kübler, Schwab, 2007: 473, our emphasis). This functional concept in no way dictates one specific form of government or governance. Management of public policies in these territories can take many shapes and forms. Possibilities are in no way limited to the "French-style urban community" which, since 1966, is founded on a clearly-defined form of inter-communal cooperation. At this stage, many different hypotheses can be envisaged (see below).

The issue of the territory concerned was raised in the observations. We do not intend to settle the size of this area and will leave this task to economists and geographers. Moreover, we suggest the possibility of territorial outlines that vary depending on the domain concerned. While such a system offers greater flexibility, the complexity resulting from these "variable geometry" arrangements must not be ignored.

2. *Which players? Which functions?*

Coherent management of Brussels' hinterland will call upon communes, provinces, Regions (possibly Communities depending on the competences envisaged), as well as the Federal authorities and the European Union. A basic postulate for this article is that the federal authority cannot govern this area on its own. Thus we have rejected the notion of a territory or district that would be exclusively federal (or even European).

The policy areas in which a Brussels Metropolitan Zone (BMZ) could be involved – or at least interested – are variable and potentially quite numerous. Inescapable areas include mobility (of people – individual and public – and freight, by road, rail, air and water), job market, land-use planning and housing, as well as fiscal matters. But one could also envisage water or electricity supply, waste management, professional training, or even the systematic twinning of schools from the two linguistic groups!

For reasons of strategy and feasibility, but primarily because other urban zones face the same type of issues, it seems pertinent to design a metropolitan structure that can be transposed to other cases, especially Antwerp or Liège (Sinardet, 2008a). Thus it should not be an *ad hoc* framework specially designed for Brussels. A political compromise would likely be facilitated if this form of metropolitan management could be applied in other urban areas. Furthermore, this would avoid the impression that Brussels and its socio-economic hinterland enjoy a special status, neither completely a city, nor completely a Region.

3. *Achieving legitimacy?*

According to political science literature, a metropolitan "government" requires strong democratic legitimacy (Lefèvre, 1998: 12), since its actions must be binding on all, starting with existing local authorities. If the envisaged structure were endowed with legislative power (see following section), the direct election of the structure's officials would seem to be necessary, even if a system of delegated local and regional representatives could be envisaged for a short transitory period.

4. *Risks of complexities and bottlenecks ?*

Relevant actors in the field almost unanimously denounce Brussel's institutional complexity. Hence, the recommended remedy must not end up killing the patient. In the aim for coordination – and "one stop" services in various sectors – it is important to avoid adding an new political structure that would merely complicate matters. The risk of bottlenecks – the "joint decision trap" – must be minimised. Furthermore, the Metropolitan Zone should not become a Trojan horse opening doors to a bi-Community "co-management" of Brussels (on the question of management and distribution of powers in the BCR, see the CFB topic "Urban governance"; Delwit *et al.*, 2009)

5. *In which language s'il vous plaît/Alstublieft?*

A priori, the BMZ would handle the functional management of issues that go beyond communal and regional borders, including linguistic boundaries. This latter aspect will undoubtedly raise the most resistance, given recent political history of the linguistic conflict in Belgium and language's highly symbolic value for a large number of today's politicians (Sinardet, 2008b). The Metropolitan Zone could abide by the present linguistic laws, even though this might multiply the rules of communication (especially if the body becomes more than a *de facto* association): in Dutch in the Vlaams-Brabant, in French in the Brabant-Wallon and in both languages in the 19 communes. A "bilingual" solution is possible but would likely require legal arrangements.

6. *Political motivation? Leadership?*

The final delicate question to address, but one over which we, as political scientists and legal experts, have no say: the stakeholders' motivation to become partners in a single metropolitan project. In view of the players involved and their origins, as well as the coalitions in place at various levels of power, we can expect an extremely variable degree of willingness. This calls for reflection on the type of structure desired, from a barely formalised "coalition of the willing" to a more institutionalised form which would thus be more constraining. In parallel, the question of the project's leadership must also be envisaged. Should a role be foreseen for Brussels as a Region? Can we count on the communes to collaborate and provide the necessary impetus? Or is a federal – or even European - initiative a prerequisite before the project can begin? In any event, in addition to each party's belief in the interest of the project, incentives for cooperation must be implemented in order to rally all players around a federating programme (Kübler, 2005: 87).

III. Policy options

Various scenarios can be envisaged, from the most flexible to the most formal, according to the needs identified and above all on the stakeholders' willingness. Neighbouring countries offer a series of examples. Lille, for instance, is at the same time the centre of an urban community and of Eurométropole, a European Grouping of Territorial Cooperation (EGTC), two structures now invested with legal personality. For its part, Berlin attempted a merger with the Brandenburg *Land*, which in the end was downsized to cooperation in specific areas through cooperation agreements when the Brandenburg referendum on the merger was voted down. In 2006 the Netherlands introduced inter-communal bodies established in urban areas, called *Plusregio*'s. Switzerland can also provide an example. Since 2002, the Confederation has been trying to develop synergies between different levels of power (Confederation, cantons, cities and communes) in the framework of its Agglomerations Policy. However, despite the central State financial's incentives, few projects have yielded satisfactory results (Maitre, 2007). *Business Route* 2018 cites "Metrobasel", "London First" and "Oakland [USA] Partnership" among others. Basel is the only city that had to cope with linguistic constraints and political divisions similar to Brussels'. Metrobasel is a not-for-profit organisation (ASBL) that spans three countries (Switzerland, France, Germany). In Canada, the National Capital Region spans two provinces - Ontario which is mainly English-speaking and Quebec, which is predominantly French-speaking - and covers several municipalities. However, its powers are quite limited, especially in services management.

Several paths can be followed in metropolitan development (Tulkens, 2008). We should begin by noting that associating the European Union can be envisaged for each form of cooperation proposed.

A first level of synergy, following the example of relations between Berlin and Brandenburg, could be the cooperation agreement. Article 92bis of the *1980 Special Law on Institutional Reform* foresees this possibility, at least with regards to agreements between the federal authority and federated entities, or between the latter. The BCR is already party to a number of such agreements, notably the Beliris agreement which aims at promoting Brussels' international role and its function as capital (Poirier, 2008, 2006, 2002). In principle communes (as well as provinces and the EU) are excluded from this first form of cooperation. Furthermore, if the legal status of many "regular" cooperation agreements raises a number of questions, this is even more the case for agreements not explicitly covered by article 92bis. This said, even if seen as "gentlemen's agreements", various other types of accords could meet the needs of efficient coordination. For example, a Protocol concerning the Quartier Schuman was signed in 2006 between the federal authority, the BCR and three communes - the City of Brussels, Ixelles/Elsene and Etterbeek (Poirier, 2008). All these agreements are obviously contingent on the partners' good will, both in the finalisation and implementation.

Second mode: de facto associations, *ad hoc* structures for cooperation among various levels of power seeking such an arrangement, from the local to the supranational, if the European Union were involved. It is thus also possible to associate the communes and provinces as well as go beyond the strictly Belgian framework. As it has no legal personality, this informal structure would allow partners to come to-

gether for specific subjects/projects. Of course, such arrangements are also completely dependent on the determination and ambition of all the players to implement the projects or public policies. One could imagine that participation by the EU (or one of its institutions) would bolster the commitment of the various Belgian players, if only to demonstrate to European partners that they are not wasting time in fruitless discussions. This might encourage Belgian participants to play the collaboration game seriously: this was the case when the Belgian entities (communes, provinces, Regions, State) cooperated with their French partners (including the French State) in the Eurometropole Lille-Kortrijk-Tournai before it adopted the EGTC structure (see above).

A third possibility is communal concertation, inspired by the *Communauté urbaine du pays de Charleroi, Val de Sambre et Sud Hainaut*. Somewhat like a twinning of communes, this is a loose body (also a de facto association) aiming for coherence in certain public policies. It does not need any special financing as the communes become involved on the basis of specific projects. Lille's COPIT (Permanent Inter-communal Cross-border Conference), the forerunner of Eurométropole, also belongs to this category. COPIT served as the umbrella to guide the negotiations among the French and Belgian (2 Walloon and 2 Flemish) communes. Although this formula seems to be effective to conduct feasibility studies or information missions, it was not as successful in finalising projects (COPIT website). In this case, therefore, we see a level of power that is strictly local, which makes it less interesting in the Belgian context where powers are split among several entities, and where it is crucial to at least have the involvement of the communes and Regions.

The fourth category requires a law – i.e. adopted by the Federal Parliament – in order to set up an intermediate level of power between the communes and the Regions. This formula is quite similar to the French urban community. More than a simple concertation structure, this solution involves pooling the powers of the communes in the whole Brussels Metropolitan Zone. Although obviously this formula could easily be transposed to the country's other urban areas, its obvious drawback is that it does not allow for coordination of communal and regional policies. It would thus act more as a substitute for inter-communal entities and provinces.

Lastly, the fifth option would involve the creation of a new type of political entity – a grouping of communes, provinces and Regions (or even the Communities, depending on the powers to be pooled). Such a structure could be endowed with a fairly large field of action, justifying the investment (in terms of lost influence) by other actors. It could only be envisaged in the context of significant State reforms. It would arguably bring a degree of institutional equilibrium by maintaining a metropolitan zone in the centre of Belgium, spreading over three regional entities. In fact, this fifth option could be relevant were Belgium to opt for some form of confederalism. This would be a strictly national variation of the EGTC, which only applies to cross-border zones (involving at least 2 EU member states). European cross-border cooperation groupings are instruments for cross-border, transnational and inter-regional cooperation between several Member States but also between regional or local collectivities. Through an agreement, these entities decide on the powers exercised by the EGTC which also enjoys legal personality.

All these formulas raise questions of transparency and efficiency, risks of bottlenecks and democratic legitimacy. These risks are evidently greater in the case of

structures that have their own resources and a significant level of power. It is not desirable to hold elections – heavy and costly processes – for councils of structures that are purely advisory. Elections would only concern councils endowed with a regulatory, or even legislative, power. Other types of organs could be composed of delegated local representatives.

In addition to the question of democratic legitimacy, another important issue is the administration and actual management of the new entities. At least initially, they would have to be run from existing structures, either by revising management contracts for certain public enterprises which the entity could hardly do without (such as public transport), or by (permanently) transferring civil servants of the original structure, with their invaluable experience, to the new.

Conclusion

The importance – and urgency – of grouping the vital forces and public powers in and around Brussels cannot be denied. The idea of a Brussels Metropolitan Zone has been evoked as a solution to the scattering of competences, both in terms of subject matter (who does what?) and or territory (where?). Actors in the field have called for a solution to counteract institutional fragmentation and administrative cacophony. They have also called for the elaboration of a vision, a project that is collective and federating. A whole range of modalities can give shape to these concertations, from informal structures (de facto associations for a specific project), through intermediate solutions (cooperation agreements in areas such as social housing or mobility), to institutions (new entity superimposing the existing communes and Regions).

We have explored five options, but this list is not exhaustive (for example thought could be given to cross-border not-for-profit associations, of the Metrobasel type), nor are options mutually exclusive (a combination of bodies and agreements, for example...).

Although institutional (and financial) questions require thorough reflection, the most important task at hand is to identify the objectives the various players see as essential. Before details on "how", a discussion is needed on "why and to do what?". It is possible that, in line with Belgium's political tradition, the arrangements will emerge gradually, particularly since participation in a cooperative structure requires existing entities to renounce a portion of their competences, or at least the ability to fully exercise them. Furthermore, this implies one entity driving the process and being the first to concede its portion of autonomy, in the hope that the others will follow.

It would undoubtedly be more efficient to implement flexible instruments and structures, enabling targeted concrete cooperations, rather than complex structures. This said, a form of cross-border "branding", a meeting place and space for dialogue, can be crucial to dynamising the economy of Brussels, which is even more urgent in light of the current crisis.

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On the EGCC see: www.europa.eu/scadplus/leg/en/lvb/g24235.htm

On the Plusregio's see: <http://www.stadsregios.nl/>

On the Communauté urbaine de Charleroi see: <http://www.cuct.be/cuct/site.nsf/.PageW?ReadForm&Key=Qui>

On the Lille COPIT see: http://www.espaces-transfrontaliers.org/affiche_projet.php?affiche=projet/proj_copit.html